

REMARKS

This Amendment is responsive to the Office Action dated May 14, 2003. In that Action, the Examiner objected to the Specification and Claims 10-14 and 16. Claim 6 was rejected under 35 U.S.C. §112, second paragraph. Claims 1-7, 11 and 12 were rejected under 35 U.S.C. §102(b) as being anticipated by Strolenberg. Claims 9, 10, 15 and 16 were rejected under 35 U.S.C. §102(b) as being anticipated by Miller. Claim 8 was rejected under 35 U.S.C. §103(a) as being unpatentable over Strolenberg in view of Miller. Claim 13 was rejected under 35 U.S.C. §103(a) as being unpatentable over Miller in view of Lacousiere. Claim 14 was rejected under 35 U.S.C. §103(a) as being unpatentable over Strolenberg in view of Hallstrom. Applicant respectfully traverses the Examiner's objections and rejections and offers the foregoing amendments and following remarks in support thereof.

Claims 2 and 17-21 have been cancelled without prejudice. Claims 1, 3, 6, 7, 9-16 have been amended. Claims 22-26 have been added. No new matter has been inserted. Claims 1, 3-16 and 22-26 remain pending in the application. Applicant respectfully requests reconsideration of the Examiner's rejections.

Applicant has amended the Specification and Claims to overcome the Examiner's objections and Section 112 rejections.

As to the Strolenberg and Miller patents, the Strolenberg and Miller patent both fail to teach of a restraint having an adjustable neck opening size to snugly engage a wide range of different wear neck sizes. In use Strolenberg and Miller provide a single size neck opening. Thus, neither Strolenberg or Miller provide a single restraint which is adjustable to substantially fill the area beneath the chin for different neck size wearers. Thus, neither Strolenberg nor Miller in a single restraint maintain the head of the user in a desired position.

The dependent claims provide further distinguishing features between Applicant's claimed invention and the inventions disclosed in Strolenberg and Miller.


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Accordingly, Applicant respectfully traverses the rejections based on Maness, as well as the other cited patents.

Applicant has completely responded to the Office Action dated May 14, 2003.

If there are any additional charges, including extension of time, please bill our Deposit Account No. 13-1130.

Respectfully submitted,



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